

Message Text

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C O N F I D E N T I A L SECTION 1 OF 3 LILONGWE 0080

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TAGS: SHUM, PDIP, PINS, MI, US
SUBJ: HUMAN RIGHTS ACTION PLAN

REF: STATE 002794

I COUNTRY OVERVIEW-ENVIRONMENTAL

1. MALAWI IS A ONE-PARTY STATE AS PROVIDED BY ITS CONSTITUTION. AS THE HEAD OF STATE AND OF THE MALAWI CONGRESS PARTY (MCP), LIFE PRESIDENT DR. H. KAMUZU BANDA HOLDS ALL THE REINS OF POWER AND RULES THE COUNTRY WITH STRICT AUTHORITARIANISM, BROOKING NO DISSENT OR QUESTIONING. A PARLIAMENT EXISTS AND THE PEOPLE HAVE SOME CHOICE IN ELECTING ITS MEMBERSHIP ALTHOUGH THE PRESIDENT HAS AN ULTIMATE VETO POWER OVER ANY CANDIDACY. THE PARLIAMENT IS NOW ONLY A RUBBER STAMP ORGANIZATION IN WHICH NO FREE DEBATE OR DISCUSSION OF MAJOR ISSUES IS PERMITTED. ALTHOUGH THIS IS A RACIALLY PLURAL SOCIETY, MEMBERSHIP IN THE MCP IS RESTRICTED TO THOSE PERSONS OF INDIGENOUS AFRICAN ORIGIN WHICH EFFECTIVELY BARS THOSE FEW WHITES AND ASIANS WHO ACCEPTED MALAWI CITIZENSHIP AT THE TIME OF INDEPENDENCE FROM ANY POLITICAL ACITIVITY OR ROLE. ON THE AFRICAN INTERNATIONAL SCENE, BANDA HAS DELIBERATELY CHOSEN TO STAY ON THE SIDE LINES AND THOUGH HE IS GIVEN A CERTAIN RESPECT DUE TO HIS ROLE AS AN EARLY LEADER IN

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THE AFRICAN INDEPENDENCE STRUGGLE, HE IS WITHOUT INFLUENCE. HIS CONSISTENT ADVOCACY OF CNTACT ANJ DIALOG AS THE WAY TO RESOLVE PEACEFULLY THE RHODESIAN AND SOUTH AFRICAN SITUATIONS FINDS LITTLE SUPPORT IN THE REST OF AFRICA.

2. ECONOMICALLY, BANDA HAS RUN THE COUNTRY WELL AND IT HAS PROSPERED NOTABLY IN ITS 13 YEARS OF EXISTENCE. RECOGNIZING THAT THE COUNTRY'S ONLY SIGNIFICANT

RESOURCES ARE A HARD-WORKING PEOPLE AND AGRICULTURE, HE HAS PUSHED THE DEVELOPMENT OF BOTH SMALL HOLDER FARMS AND COMMERCIAL ESTATES (FREQUENTLY ALLOTTED TO SENIOR OFFICIALS BY BANDA), AS WELL AS AGRICULTURAL EDUCATION. THROUGH A CENTRALIZED AGRICULTURAL MARKETING BOARD (ADMARC), THE PRICES PAID TO SMALL HOLDERS HAVE BEEN HELD DOWN AND CONSIDERABLE CAPITAL THEREBY GENERATED FOR DEVELOPMENT PURPOSES. RECENTLY THE WORLD BANK AND OTHER LENDERS HAVE EXPRESSED THE OPINION THAT THE SMALL HOLDERS ARE BEING SQUEEZED TOO HARD AND HAVE URGED A NARROWING OF THE PROFIT MARGIN FOR ADMARC. THE COUNTRY IS RUN EFFICIENTLY AND THERE IS A MINIMUM OF GRAFT AND CORRUPTION.

3. CULTURALLY, THE MALAWIANS HAVE BECOME A REMARKABLY HOMOGENEOUS PEOPLE LARGELY IN THE PAST 20 YEARS AND STEMMING FROM THE STRUGGLE FOR INDEPENDENCE AND BANDA'S IRON INSISTENCE ON ENDING TRIBALISM IN POLITICS, GOVERNMENT, AND EDUCATION THEY ALL NOW SPEAK CHICHEWA ALTHOUGH FOR SOME IT IS A SECOND LANGUAGE. ALL CIVIL SERVANTS SPEAK AT LEAST SOME ENGLISH AND THE PARLIAMENT IS CONDUCTED IN ENGLISH. MALAWI'S MODERN EXPERIENCE IS VERY RECENT. E.G. THE SLAVE TRADE WAS NOT SUPPRESSED UNTIL 1895. EDUCATIONALLY, AT LEAST SOME OPPORTUNITY FOR PRIMARY EDUCATION HAS, EXISTED SINCE ABOUT 1885, LARGELY UNDER CHRISTIAN MISSION AUSPICES. THE FIRST SECONDARY SCHOOL WAS OPENED IN 1940 AND ONLY ONE NON-MISSION SECONDARY SCHOOL EXISTED BEFORE INDEPENDENCE. THERE ARE NOW 60 SECONDARY SCHOOLS, 7

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TEACHERS' COLLEGES, A POLYTECHNIC, AND AN AGRICULTURAL COLLEGE AND A COLLEGE OF ARTS AND SCIENCES. SOME 3500 MALAWIANS NOW HAVE COLLEGE DEGREES. THE GENERAL ACCEPTANCE OF PRESENT DRESS RESTRICTIONS AND CENSORSHIP OF MATTERS PERTAINING TO SEX AND NUDITY IS NOT UNRELATED TO A STRONG TRADITION OF MISSIONARY INFLUENCE.

4. SOCIALLY, THE MALAWIANS ARE ALMOST ALL FARMERS OR OF RECENT FARM BACKGROUND. THEY HAVE A DEEP ATTACHMENT TO THE LAND. MOST OF THEM STILL FARM BY HOE AND FAMILY PLOTS AVERAGE 4-5 ACRES. A GROWING NUMBER OF FARMERS ARE USING OXEN AND THE MANUFACTURE OF OX CARTS IS FLOURISHING. THE GREAT MAJORITY OF EDUCATED MALAWIANS FIND EMPLOYMENT IN THE CIVIL SERVICE WHOSE STRUCTURE WAS CARRIED OVER FROM THE BRITISH. GROWING NUMBERS OF TECHNICALLY TRAINED MALAWIANS ARE TO BE FOUND IN AGRICULTURE, COMMERCE, AND MANUFACTURING. SOME 700 NON-MALAWIAN TECHNICIANS AND SPECIALISTS ARE STILL EMPLOYED BY THE GOVERNMENT (USUALLY AS A PART OF FOREIGN ASSISTANCE) WITH THE NUMBER DECREASING EACH YEAR. PRESIDENT BANDA AND THE MOST SENIOR OFFICIALS OF THE PARTY AND GOVERNMENT (E.G. CHIEFS OF ARMY AND POLICE, SEC GEN OF PARTY, GOV OF RESERVE BANK) FORM A SPECIAL ELITE WHO HAVE BEEN AFFORDED

THE OPPORTUNITY TO EARN RELATIVELY LARGE INCOMES THROUGH
TOBACCO LICENSES AND LAND GRANTS AND THE FACILITATION OF
PRIVATE COMMERCIAL BANK LOANS.

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5. FROM THE EARLIEST DAYS OF INDEPENDENCE IN 1964,
BANDA HAS SHOWN NO WILLINGNESS TO PERMIT CRITICISM OR
OPPOSITION OR EVEN QUESTIONING OFTHOUT TRIAL HAVE OCCURRED
SINCE 1964 AND AS BANDA'S PARANOIA INCREASED WITH AGE,
OMNIPOTENCE, AND OMNIPRESENT SYCOPHANCY HE WAS STIMULATED
TO EVER GREATER USE OF THIS DEVICE UNTIL SOME 2000
PERSONS WERE THUS HELD IN LATE 9176. A NOTICEABLE AND
PERVASIVE ATMOSPHERE OF FEAR EXISTED AMONG AWL EDUCATED
MALAWIANS AND RESIDENT ALIENS AT THAT TIME. PROBABLY DUE
TO SEVERAL FACTORS INCLUDING THE REACTIONIN THE UK TO HIS
ARBITRARY EXPULSION OF OVER 200 GOANS AND THE POLICY AND
STATEMENTS OF PRESIDENT CARTER AND OTHER MEMBERS OF HIS
ADMINISTRATION ONHUMAN RIGHTS, BANDA FOUND CAUSE TO
ARREST THE SEC GEN OF THEMCP AND THE CHIEF OF POLICE
INVESTIGATIVE BRANCH AND TO ACCUSE THEM OF RESPONSIBILITY
FOR MOST OF THESE DETENTIONS AS WELL AS OF PLOTTING HIS
ASSASSINATION. OVER AN 8-MONTH PERIOD FOLLOWING THESE
ARRESTS, ALL BUT A HANDLUFL OF THE DETAINEES WERE
RELEASED AND NO RESTRICTIONS HAVE BEEN PLACED ON THEIR
MOVEMENTS WITHIN THE CUNTRY--BUT AS YET VERY FEW CIVIL
SERVANTS HAVE BEEN ABLE TO RETURN TO THEIR FORMER JOBS.
IN ANY CASE, THERE HASBEEN A NOTABLE LESSENING OF TENSION
IN RECENT MONTHS.

6. JEHOVAH'S WITNESSES HAVE SUFFERED PERSECUTION
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DURING SEVERAL PERIODS. THE NEW AND NATIONALISTIC GOVERNMENT FINDS THEIR POSITION ON MANY SUBJECTS TO BE DISLOYAL AND THE SECT WAS BANNED BY LAW IN 1968. THE MOST RECENT HARASSMENT CAME IN AUGUST 1975 WHEN THE FRELIMO AUTHORITIES IN MOZAMBIQUE DEPARTED SOME 20,000 JW REFUGEES BACK TO MALAWI. THEY WRE RUDELY HANDLED BY MALAWIAN AUTHORITIES ALTHOUGH WE HAVE BEEN UNABLE TO CONFIRM THE NUMEROUS ALLEGATIONS OF PHYSICAL ATROCITIES DESCRIBED IN JW LITERATURE. SOME 2000 WERE TRIED, FOUND GUILTY OF BELONGING TO AN ILLEGAL ORGANIZATION AND SENTENCED TO 2-YR TERMS IN A FARM PRISON. AFTER 16 MONTHS, WITH 8 MONTHS OFF FOR GOOD BEHAVIOR, VIRTUALLY ALL WERE RELEASED AND ALLOWED TO RETURN TO THEIR HOME VILLAGES WHERE THEY WERE GIVEN SOME ASSISTANCE BY THE GOVERNMENT IN GETTING RE-ESTABLISHED. SINCE THEN, THE JW QUESTION HAS REMAINED QUIET.

7. IN REGARD TO THE FULFILLMENT OF THE PEOPLE'S VITAL NEEDS, THE GOM DESERVES HIGH MARKS. THE BENEFITS OF DEVELOPMENT IN FOOD PRODUCTION, SHELTER, HEALTHCARE, AND EDUCATION, CAN CLEARLY BE SEEN TO HAVE REACHED THE LITTLE PEOPLE AND NO LARGE AND EXPLOITATIVE CLASS HAS BEEN ESTABLISHED. A RELATIVELY FEW PEOPLE HAVE BENEFITED FROM THEIR POLITICAL POSITION BUT NOT THROUGH GRAFT OR ILLEGAL ACTS.

8. THE VAST MAJORITY OF MALAWIANS SUPPORT BANDA AND THEMCP. ONLY A VERY FEW CITIZENS ARE AFFECTED BY TRAVEL RESTRICTIONS AND PARTY MEMBERS HAVE THE FREEDOM TO TAKE PART IN GOVERNMENT. HOWEVER, FREE SPEECH AND PRESS DO NOT EXIST AS WE KNOW THESE IDEALS. EXCEPT FOR THE JW'S, THERE IS COMPLETE RELIGIOUS FREEDOM. ALL CITIZENS OF INDIGENOUS AFRICAN ORIGIN ARE URGED AND PRESSURED TO BECOME MEMBERS OF THE MCP.

II. MAJOR U.S. INTERESTS

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1. POLITICALLY IT IS MODESTLY USEFUL TO THE U.S. THAT MALAWI STAY IN THE WESTERN CAMP AND REMAIN A VOICE FOR MODERATION AND NON-VIOLENCE ON THE SOUTHERN AFRICAN SCENE AND TOLERANT OF AMERICAN CITIZENS RESIDING AND WORKING IN MALAWI. STRATEGICALLY IT HAS VIRTUALLY NO INTEREST FOR US. ECONOMICALLY MALAWI IS ALSO OF MINIMAL IMPORTANCE AS A MARKET OR SOURCE OF SUPPLY BUT IN THE PAST 3 YEARS U.S. PRIVATE BANKS HAVE INCREASED THEIR LOAN EXPOSURE TO OVER 80 MILLION DOLLARS. IN ECONOMIC DEVELOPMENT TERMS THE SUCCESS OF MALAWI'S POLICIES, WHICH DEMONSTRATE SOUND PRIORITIES, HONEST AND EFFICIENT USE OF AID, MINIMAL EXPENDITURES ON ARMAMENTS, AN ANTI-COMMUNIST, OPEN ECONOMY

THAT WELCOMES PRIVATE FOREIGN INVESTMENT AND ENCOURAGES FREE ENTERPRISE, REPRESENT AN EXAMPLE TO WHICH IT IS USEFUL FOR THE USG TO CONTRIBUTE AND BE ASSOCIATED WITH. SINCE MALAWI IS ONE OF THE WORLD'S 25 POOREST COUNTRIES, THE U.S. HAS A HUMANITARIAN INTEREST IN HELPING TO RAISE THE LIVING STANDARDS OF THE GENERAL POPULACE.

2. WITH REGARD TO THE ABOVE OBJECTIVES, IT SHOULD BE EMPHASIZED THAT THE UMS. AS ONLY A MODES TINFLUENCE. THE UK, AS THE FORMER PROTECTING POWER, HAS LEFT A STRNG LEGACY OF CUSTOM AND PRACTICE, RETAINS SPECIAL COMMERCIAL, ECONOMIC AND POLITICAL TIES, AND IS THE PRIMARY SOURCE OF DEVELOPMENTAL ASSISTANCE. BY CONTACT WITH BANDA, DIRECT AND INDIRECT, A CONTINUING EFFORT IS MADE BY THE EMBASSY TO ENCOURAGE AND PERSUADE MALAWI TO SUPPORT OUR POSITION AT THE U.N. AND OTHER FORUMS. THROUGH OUR USIS AND DIRECTLY THROUGH EMBASSY OFFICERS, MALAWI IS KEPT INFORMED OF THE U.S. POSITION ON ALL WORL ISSUES. UNTIL NOW, MALAWI HAS STAYED ALMOST ALWAYS WITH THE WEST. AMERICAN MISSIONARIES ARE HAVING NO MAJOR DIFFICULTIES WITH THE GOVERNMENT AND NO RESIDENT AMERICAN HAS BEEN DEPARTED IN THE PAST YEAR. ON A BACKGROUND BASIS, BRIEFINGS AND COUNSEL HAVE BEEN GIVEN TO AMERICAN BANKERS ON NUMEROUS OCCASIONS. TO CONTRIBUTE TO DEVELOPMENT, THE USAID HAS LOANED SOME \$30 MILLION FOR HIGHWAY CONSTRUCTION AND HAS BUILT THEPOLYTECHNIC AND
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BUNDA AGRICULTURAL COLLEGE. WE ARE CURRENTLY INVOLVED WITH A \$4 MILLION GRANT FOR EXPANDING BUNDA AND ARE CONSIDERING ADDITIONAL ASSISTANCE TO THE POLYTECHNIC AND TO AGRICULTURAL RESEARCH. IT SHOULD BENOTED THAT IN ADDITON TO THE UK, THE EEC, WORLD BANK, WEST GERMANY, AND CANADA ARE BIGGER DONORS THAN OURSELVES AT THIS TIME. FORAPPROXIMATELY 18 MONTHS, AT THE EMBASSY'S RECOMMENDATION, THERE WAS A MORATORIUM ON POSSIBLE ASSISTANCE MEASURES BECAUSE OF THE LARGE NUMBER OF POLITICAL DETAINEES FOR THE PAST SEVERAL YEARS SOME \$80,000 TO \$100,000 HAVE BEEN GIVEN ANNUALLY FOR SELF-HELP PROJECTS.

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III. HUMAN RIGHTS

A. OBJECTIVES

1. FOR THE SHORT TERM, OUR OBJECTIVES ARE THAT THE GOM NOT RETURN TO THE PRACTICE OF ARBITRARY ARREST AND IMPRISONMENT FOR ALLEGED SECURITY REASONS; THAT THE JW'S BE LEFT IN PEACE AND NOT HARASSED OR DETAINED; THAT WE ACHIEVE GREATER ACCEPTANCE OF U.S. SPEAKERS AND CULTURAL ATTRACTIONS; AND THAT WE USE SUCH INFLUENCE AS WE CAN TO ENCOURAGE THE RE-EMPLOYMENT OF EX-POLITICAL DETAINEES WITH SPECIAL EMPHASIS ON THOSE WHO HAVE RECEIVED TRAINING UNDER U.S. AUSPICES. FOR THE MEDIUM TERM WE WISH TO ENCOURAGE FREEER SPEECH AND PRESS; LESS STRINGENT CENSORSHIP OF U.S. OFFICIAL PUBLICATIONS AND MOVIES; AND MORE READY ACCESS TO STUDENTS AND CIVIL SERVANTS.
2. FOR THE LONG TERM, WE WOULD LIKE TO SEE REPEAL OF THE LAW BANNING THE JW'S; REPEAL OF THE FORFEITURE ACT; MODIFICATION OF THE MCP CONSTITUTION SO AS TO PERMIT ALL CITIZENS TO PARTICIPATE IN THE POLITICAL PROCESS; REPEAL OF THE LAW WHICH ELIMINATED THE 28-DAY LIMITATION ON DETENTIONS FOR SECURITY REASONS; AND REPEAL OR AT LEASE LIBERALIZAION OF THE CENSORSHIP LAWS.

B. SCENARIO

1. ALL EVIDENCE SUGGESTS THAT BANDA IS LIKELY TO REACT NEGATIVELY TO ANY EVIDENT CARROT OR STICK APPROACH REGARDING HUMAN RIGHTS. HOWEVER, HE VALUES FRIENDLY RELATIONSHIPS WITH THE U.S. AND HAS WARM MEMORIES OF HIS 12 YEARS AS A STUDENT IN AMERICA. HE IS SHREWD AND KNOWS THAT THE CURRENT RENEWED USAID INTEREST AND THE GENEROUS ASSISTANCE RECENTLY GRANTED BY THE UK AND WEST GERMANY IS NOT UNRELATED TO THE RELEASE OF POLITICAL DETAINEES AND JW'S. THE EMBASSY IS ALSO RECOMMENDING STRONGLY THE GRANT OF A MODEST AMOUNT OF MILITARY TRAINING (IMETP) WHICH WILL BE A CLEAR SIGNAL OF OUR RECOGNITION OF THE IMPROVED HUMAN RIGHTS ATMOSPHERE NOW EXISTING. WITH THE POSSIBLE EXCEPTION MENTIONED BELOW, IT IS BEST NOT TO PUSH THIS POINT FURTHER IN ANY DIRECT WAY BUT RATHER TO MAKE CERTAIN THAT PRESIDENT CARTER'S CONTINUING INTEREST IN THIS SUBJECT IS

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REGULARLY BROUGHT TO BANDA'S ATTENTION BY SENDING HIM COPIES OF SPEECHES, ARTICLES, PRESS STATEMENTS, ETC., BY A PRIVATE CHANNEL WHICH HAS BEEN ESTABLISHED AND THROUGH THE MINISTRY OF EXTERNAL AFFAIRS. BECAUSE OF HIS CHARACTER, IT IS BEST TACTICALLY NEVER TO PUT HIM IN A CORNER OR PUBLICLY EMBARRASS HIM. IT MUST BE NOTED THAT PUBLICATION OF THE "UNCLASSIFIED REPORT ON HUMAN RIGHTS" BY THE DEPARTMENT LATER THIS MONTH MAY SO OFFEND HIM THAT OUR ACTIONS IN THIS AREA WILL HAVE TO BE CIRCUMSCRIBED FOR A LONG TIME. SHOULD HE TRAVEL TO THE U.S. THIS YEAR TO RECEIVE AN HONORARY DEGREE FROM THE UNIVERSITY OF INDIANA, AS AN EXCEPTION IT IS HOPED HE COULD BE RECEIVED BY PRESIDENT CARTER AND PRAISED BY HIM FOR THE RELEASE OF DETAINEES AND JW'S AND URGED INQUIET DISCUSSION TO PERMIT GREATER FREEDOM. SHOULD HE BACKSLIDE RE DETENTIONS, THE EMBASSY WOULD RECOMMEND CONSULTATION WITH THE BRITISH TO SEEK THEIR SUPPORT FOR A DEMARCHE OR OTHER ACTIONS TO SHOW OUR MUTUAL CONCERN. THESE ACTIONS COULD RANGE FROM INITIAL REMONSTRANCES TO A CESSATION OF ECONOMIC ASSISTANCE AND A REDUCTION OF USIS AND PEACE CORPS OPERATIONS. IF BRITISH SUPPORT WOULD NOT BE FORTHCOMING, WE WOULD RECOMMEND A CONFIDENTIAL

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PROMPT NOTE TO THE GOM EXPRESSING OUR DISTRESS AND CONCERN AS A FIRST STEP. FOR THE MID-TERM, THE EMBASSY WILL EXPAND ITS CONTACTS AND DISTRIBUTION OF PUBLICATIONS AND MOVIES TO THE SECONDARY SCHOOLS, THE MALAWI YOUNG PIONEERS, AND JUNIOR AND SENIOR COLLEGES. IT WILL ALSO MAKE A POINT OF KEEPING KEY CIVIL SERVANTS, INCLUDING THE ARMY AND POLICE, INFORMED OF U.S. VIEWS ON HUMAN RIGHTS. IT IS HOPED THAT A PEACE CORPS PROGRAM WITH SOME 20-25 VOLUNTEERS WILL GET UNDERWAY THIS YEAR WHICH WILL CONTRIBUTE TO THIS OBJECTIVE. IF THE PRESENT ATMOSPHERE SHOULD TIGHTEN SEVERELY, CENSORSHIP SHOULD WORSEN, AND REASONABLY EASY CONTACTS BECOME IMPOSSIBLE, THE EMBASSY WOULD PROPOSE A PROMPT CUT BACK IN USIS AND PEACE CORPS ACTIVITIES. ACHIEVEMENT OF LONG TERM OBJECTIVES MUST AWAIT BANDA'S DEPARTURE FROM THE POLITICAL SCENE. HOWEVER, IN THE MEANTIME THE EFFORT TO IDENTIFY, CULTIVATE, AND INFLUENCE POSSIBLE SUCCESSORS TO BANDA SHOULD CONTINUE WITH THESE LONG TERM GOALS IN MIND. THE EMBASSY IS NOW TRYING TO CONDITION THE PRESENT SECRETARY GENERAL OF THE MCP TO ACCEPT A VISIT TO THE U.S. IN THE THOUGHT THAT WHILE THERE HE MIGHT FEEL DISPOSED AND FREE TO LISTEN TO SOME OF THESE CONCERNS.

C. IMPACT ON OTHER POLICIES AND PROGRAMS.

1. BANDA WITHOUT QUESTION REGARDS THE PRESENT U.S. POLICY ON POLITICAL HUMAN RIGHTS AS IT HAS COME TO BEAR ON MALAWI AS AN UNWARRANTED INTERFERENCE IN ITS INTERNAL AFFAIRS. UNLESS ACTIONS ARE TAKEN IN SUCH A WAY AS NOT TO OFFEND BANDA'S DIGNITY AND SELF-ESTEEM, HE IS CAPABLE

OF REACTING HARSHLY TO THE POINT OF BEING UNCOOPERATIVE
ON THE INTERNATIONAL SCENE AND REJECTING U.S. ASSISTANCE.
A DEMONSTRABLY BETTER AND CONSISTENT HUMAN RIGHTS PICTURE
IN MALAWI WOULD CERTAINLY MAKE IT EASIER FOR THE U.S. TO
ASSOCIATE ITSELF WITH AND DERIVE MORE USE FROM THE
RELATIVE ECONOMIC SUCCESS WHICH HONESTY , HARD WORK, AND
THE FREE ENTERPRISE SYSTEM HAVE BROUGHT.
STEVENSON

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